DTT/MI

24-06451

SENATE STATE OF MINNESOTA NINETY-THIRD SESSION

S.F. No. 3614

(SENATE AUTH	IORS: MITC	CHELL and Marty)
DATE	D-PG	OFFICIAL STATUS
02/15/2024	11585	Introduction and first reading
		Referred to Health and Human Services

1.1	A bill for an act
1.2 1.3 1.4	relating to foster care; modifying notice requirements for foster children receiving benefits; amending Minnesota Statutes 2022, sections 256N.26, subdivisions 12, 13; 260C.4411, by adding a subdivision.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2022, section 256N.26, subdivision 12, is amended to read:
1.7	Subd. 12. Treatment of Supplemental Security Income. (a) If a child placed in foster
1.8	care receives benefits through Supplemental Security Income (SSI) at the time of foster
1.9	care placement or subsequent to placement in foster care, the financially responsible agency
1.10	may apply to be the payee for the child for the duration of the child's placement in foster
1.11	care. If a child continues to be eligible for SSI after finalization of the adoption or transfer
1.12	of permanent legal and physical custody and is determined to be eligible for a payment
1.13	under Northstar Care for Children, a permanent caregiver may choose to receive payment
1.14	from both programs simultaneously. The permanent caregiver is responsible to report the
1.15	amount of the payment to the Social Security Administration and the SSI payment will be
1.16	reduced as required by the Social Security Administration.
1.17	(b) If a financially responsible agency applies to be the payee for a child who receives
1.18	benefits through SSI, or receives the benefits under this subdivision on behalf of a child,
1.19	the financially responsible agency must provide written notice by certified mail, return
1.20	receipt requested to:
1.21	(1) the child, if the child is 13 years of age or older;
1.22	(2) the child's next of kin;

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2.1	(3) the g	uardian ad litem;					
2.2	(4) the legally responsible agency; and						
2.3	(5) the c	(5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.					
2.4	<u>(c)</u> If a fi	nancially responsib	le agency receive	s benefits under this subd	livision on behalf		
2.5	of a child 13	years of age or old	er, the legally res	ponsible agency and the	guardian ad litem		
2.6	must disclos	se this information t	to the child in per	son in a manner that best	thelps the child		
2.7	understand t	he information. Thi	s paragraph does	not apply in circumstance	es where the child		
2.8	is living out	side of Minnesota.					
2.9	<u>(d) If a f</u>	inancially responsit	ole agency receiv	es the benefits under this	subdivision on		
2.10	behalf of a c	hild, it cannot use t	hose funds for an	y other purpose than the	care of that child.		
2.11	The financia	ully responsible age	ncy must not con	nmingle any benefits rece	eived under this		
2.12	subdivision and must not put the benefits received on behalf of a child under this subdivision						
2.13	into a genera	al fund.					
2.14	<u>(e) If a f</u>	inancially responsib	ole agency receive	es any benefits under this	subdivision, it		
2.15	<u>must keep a</u>	record of:					
2.16	(1) the total dollar amount it received on behalf of all children it receives benefits for;						
2.17	(2) the to	otal number of child	lren it applied to	be a payee for; and			
2.18	(3) the to	otal number of child	lren it received be	enefits for.			
2.19	<u>(f)</u> By Ja	nuary 1 of each yea	r, each financiall	y responsible agency mus	st submit a report		
2.20	to the commissioner of human services that includes the information required under this						
2.21	paragraph. By January 31 of each year, the commissioner must submit a report to the chairs						
2.22	and ranking minority members of the legislative committees with jurisdiction over child						
2.23	protection that compiles the information provided to the commissioner by each financially						
2.24	responsible agency under paragraph (e); subdivision 13, paragraph (e); and section						
2.25	<u>260C.4411,</u>	subdivision 3, para	graph (d).				
2.26	Sec. 2. Mi	nnesota Statutes 20	22, section 256N	.26, subdivision 13, is an	nended to read:		
2.27	Subd. 13. Treatment of retirement survivor's disability insurance, veteran's benefits,						
2.28	railroad ret	irement benefits, a	and black lung b	enefits. (a) If a child pla	ced in foster care		

2.29 receives retirement survivor's disability insurance, veteran's benefits, railroad retirement

- 2.30 benefits, or black lung benefits at the time of foster care placement or subsequent to
- 2.31 placement in foster care, the financially responsible agency may apply to be the payee for
- 2.32 the child for the duration of the child's placement in foster care. If it is anticipated that a

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3.1	child will be eligible to receive retirement survivor's disability insurance, veteran's benefits,
3.2	railroad retirement benefits, or black lung benefits after finalization of the adoption or
3.3	assignment of permanent legal and physical custody, the permanent caregiver shall apply
3.4	to be the payee of those benefits on the child's behalf.
3.5	(b) If the financially responsible agency applies to be the payee for a child who receives
3.6	retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits,
3.7	or black lung benefits, or receives the benefits under this subdivision on behalf of a child,
3.8	the financially responsible agency must provide written notice by certified mail, return
3.9	receipt requested to:
3.10	(1) the child, if the child is 13 years of age or older;
3.11	(2) the child's next of kin;
3.12	(3) the guardian ad litem;
3.13	(4) the legally responsible agency; and
3.14	(5) the counsel appointed for the child pursuant to section $260C.163$, subdivision 3.
3.15	(c) If a financially responsible agency receives benefits under this subdivision on behalf
3.16	of a child 13 years of age or older, the legally responsible agency and the guardian ad litem
3.17	must disclose this information to the child in person in a manner that best helps the child
3.18	understand the information. This paragraph does not apply in circumstances where the child
3.19	is living outside of Minnesota.
3.20	(d) If a financially responsible agency receives the benefits under this subdivision on
3.21	behalf of a child, it cannot use those funds for any other purpose than the care of that child.
3.22	The financially responsible agency must not commingle any benefits received under this
3.23	subdivision and must not put the benefits received on behalf of a child under this subdivision
3.24	into a general fund.
3.25	(e) If a financially responsible agency receives any benefits under this subdivision, it
3.26	must keep a record of:
3.27	(1) the total dollar amount it received on behalf of all children it receives benefits for;
3.28	(2) the total number of children it applied to be a payee for; and
3.29	(3) the total number of children it received benefits for.
3.30	(f) By January 1 of each year, each financially responsible agency must submit a report
3.31	to the commissioner of human services that includes the information required under paragraph

3.32 <u>(e).</u>

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4.1	Sec. 3. Mi	innesota Statutes 20	22, section 260C.	4411, is amended by add	ling a subdivision
4.2	to read:				
4.3	<u>Subd. 3.</u>	Notice. (a) If the c	ounty of financial	responsibility under sec	tion 256G.02 or
4.4	Tribal agend	cy authorized under	section 256.01, su	ıbdivision 14b, receives a	ny benefits under
4.5	subdivision	2 on behalf of a ch	ild, it must provid	le written notice by certif	fied mail, return
4.6	receipt requ	lested to:			
4.7	(1) the c	child, if the child is	13 years of age or	· older;	
4.8	(2) the c	hild's next of kin;			
4.9	(3) the g	guardian ad litem;			
4.10	(4) the l	egally responsible a	agency as defined	in section 256N.02, subc	livision 14; and
4.11	(5) the c	counsel appointed for	or the child pursua	ant to section 260C.163,	subdivision 3.
4.12	<u>(b) If the</u>	e county of financia	ll responsibility u	nder section 256G.02 or	Tribal agency
4.13	authorized u	under section 256.0	1, subdivision 14	b, receives benefits under	r this subdivision
4.14	on behalf of	f a child 13 years of	f age or older, the	legally responsible agene	cy as defined in
4.15	section 256	N.02, subdivision 1	4, and the guardia	an ad litem must disclose	this information
4.16	to the child	in person in a mann	er that best helps	the child understand the	information. This
4.17	paragraph d	loes not apply in cir	cumstances wher	e the child is living outsi	de of Minnesota.
4.18	<u>(c) If the</u>	e county of financia	l responsibility u	nder section 256G.02 or	Tribal agency
4.19	authorized u	under section 256.01	, subdivision 14b,	receives the benefits unde	er this subdivision
4.20	on behalf of	f a child, it cannot u	use those funds for	r any other purpose than	the care of that
4.21	child. The c	county of financial 1	esponsibility or T	ribal agency must not co	ommingle any
4.22	benefits rec	eived under this sub	odivision and mus	t not put the benefits rece	vived on behalf of
4.23	a child unde	er subdivision 2 inte	o a general fund.		
4.24	(d) If the	e county of financia	l responsibility u	nder section 256G.02 or	Tribal agency
4.25	authorized u	under section 256.0	1, subdivision 14	b, receives any benefits u	inder subdivision
4.26	2, it must ke	eep a record of the	total dollar amour	nt it received on behalf of	f all children it
4.27	receives ber	nefits for and the to	tal number of chil	dren it receives benefits	for. By January 1
4.28	of each year	r, the county of fina	incial responsibili	ty and Tribal agency mus	st submit a report
4.29	to the comm	nissioner of human	services that inclu	udes the information requ	uired under this
4.30	paragraph.				